

**Assembly Bill No. 2286**

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Passed the Assembly    August 21, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate    August 18, 1998

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to add Chapter 2.5 (commencing with Section 8730) to Part 2 of Division 13 of, the Family Code, relating to adoptions.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2286, Scott. Foster parent and caregiver adoptions.

Existing law generally regulates adoptions and requires the State Department of Social Services to establish and administer a program to encourage and promote the adoption of children eligible for the Adoption Assistance Program, as specified.

This bill would provide that, if the prospective adoptive parent of a child is either a foster parent with whom the child has lived for a minimum of 6 months or a relative caregiver with whom the child has had a significant, ongoing relationship, an assessment or home study of the prospective adoptive parent may, at the discretion of the department or licensed adoption agency, or unless a court orders otherwise, only require a criminal records check, as specified, specified determinations regarding the prospective adoptive parent's financial stability, care-giving abilities, and disciplinary practices, and interviews with specified individuals, and shall include a specified medical examination, except in a specified circumstance.

This bill would require the department or licensed adoption agency to require the adoptive parent to be provided with specified information relating to the specific needs of the child, as specified, and would require the department to encourage adoption agencies to make adoption training programs available. The bill would also require the department to require adoption agencies to, among other things, inform the responsible placing agency when a relative caregiver or foster parent has been denied approval to adopt based on an inability of the



caregiver or foster parent to provide for the health, safety, and security of the child.

By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature to do both of the following:

(a) Secure permanent homes for children in the foster care system and minimize the disruption in their lives by reducing barriers to the adoption of foster children by their relative caregivers or by foster parents with whom they have lived for six months or longer.

(b) Ensure the safety of children in foster and adoptive homes and increase the ability of foster parents and relative caregivers to adopt children in their care.

SEC. 2. The Legislature finds and declares both of the following:

(a) That Sara Berman, Adoptions Division Chief for the Los Angeles County Department of Children and Family Services, was a true child advocate who believed that all children deserve every possible opportunity for a permanent family. Her vision for adoption services was expansive, creative, and dedicated to adoptive families for children who would otherwise be raised in foster care. In this capacity, she contributed to the development of an expedited adoption study for those prospective adoptive

families who have provided foster care for the children they wish to adopt. She was also known by many for her leadership and commitment to the children of California through her efforts as President of the California Association of Adoption Agencies.

(b) This act shall be known as the Sara Berman Adoption Act of 1998.

SEC. 3. Chapter 2.5 (commencing with Section 8730) is added to Part 2 of Division 13 of the Family Code, to read:

CHAPTER 2.5. ADOPTIONS BY RELATIVE CAREGIVERS OR  
FOSTER PARENTS

8730. If the prospective adoptive parent of a child is a foster parent with whom the child has lived for a minimum of six months or a relative caregiver who has had an ongoing and significant relationship with the child, an assessment or home study of the prospective adoptive parent may, at the discretion of the department or a licensed adoption agency, or unless the court with jurisdiction over the child orders otherwise, require only the following:

(a) A criminal records check of the relative caregiver or foster parent, as provided in subdivision (a) of Section 8712.

(b) A determination that the relative caregiver or foster parent has sufficient financial stability to support the child and ensure that any adoption assistance program payment or other government assistance to which the child is entitled is used exclusively to meet the child's needs. In making this determination, the experience of the relative caregiver or foster parent only while the child was in his or her care shall be considered. For purposes of this section, the relative caregiver or foster parent shall be required to provide verification of employment records or income or both.

(c) A determination that the relative caregiver or foster parent has not abused or neglected the child while the child has been in his or her care and has fostered the



healthy growth and development of the child. This determination shall include a review of the disciplinary practices of the relative caregiver or foster parent to ensure that the practices are age appropriate and do not physically or emotionally endanger the child.

(d) A determination that there is not a likelihood that the relative caregiver or foster parent will abuse or neglect the child in the future, that the caregiver or foster parent can protect the child, ensure necessary care and supervision, and foster the child's healthy growth and development.

(e) A determination that the relative caregiver or foster parent can address racial and cultural issues that may affect the child's well-being.

(f) An interview with the relative caregiver or foster parent, an interview with each individual residing in the home and an interview with the child to be adopted.

8731. If the prospective adoptive parent of a child is a foster parent, the assessment or home study described in Section 8730 shall not be initiated until the child to be adopted has resided in the home of the foster parent for at least six months.

8732. A report of a medical examination of the foster parent with whom the child has lived for a minimum of six months or the relative caregiver who has had an ongoing and significant relationship with the child shall be included in the assessment of each applicant unless the department or licensed adoption agency determines that, based on other available information, this report is unnecessary. The assessment shall require certification that the applicant and each adult residing in the applicant's home has received a test for communicable tuberculosis.

8733. The department or licensed adoption agency shall require the adoptive parent to be provided with information related to the specific needs of the child to be adopted, that, as determined by the licensed adoption agency, may include information regarding the following: issues surrounding birth parents, the effects of abuse and neglect on children, cultural and racial issues,

sexuality, contingency planning for children in the event of the parents' death or disability, financial assistance for adopted children, common childhood disabilities, including, but not limited to, emotional disturbances, attention deficit disorder, learning disabilities, speech and hearing impairment, and dyslexia, the importance of sibling and half-sibling relationships, and other issues related to adoption and child development and the availability of counseling to deal with these issues.

8734. The department shall encourage adoption agencies to make adoption training programs available to prospective adoptive families.

8735. The department shall require adoption agencies to inform the agency responsible for the foster care placement when a relative caregiver or foster parent has been denied approval to adopt based on an inability of the relative caregiver or foster parent to provide for the mental and emotional health, safety, and security of the child and to recommend either that the relative caregiver or foster parent be provided with additional support and supervision or that the child be removed from the home of the relative caregiver or foster parent.

8736. The requirements of this chapter shall not be used as basis for removing a child who has been placed with a relative caregiver or foster parent prior to January 1, 1999, unless the noncompliance with the standards described therein present a danger to the health, safety, or emotional well-being of the child.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act



shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved \_\_\_\_\_, 1998

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*Governor*

